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Practitioner's Docket No. TRW(AP)5727

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David A. Grilli et al.

Application No.: 09/933,534 Group No.: 3682

Filed: August 20, 2001 Examiner: Justin Stefanon

For: THERMOPLASTIC POLYOLEFIN ELASTOMER STEERING WHEEL

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

 PETITION TO REVIVE APPLICATION ABANDONED UNINTENTIONALLY
 FOR FAILURE TO REPLY TO A FINAL REJECTION

1. This application became abandoned on
- 3/17/04
- .

NOTE: Extensions under 37 C.F.R. § 1.136 are available only if asked for "prior to or with the response." Accordingly, if the question of abandonment arises when the provisions of § 1.136 can no longer be used, then the application is abandoned when the unextended time for response expired. Therefore, no extension fees are due on a petition for revival. Thus: An application which is abandoned for failure to respond within a set period with no extension fee having been paid, would not require the payment of extension fees as a condition for revival. M.P.E.P. § 711.03(c), 6th ed., rev. 2.

2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional 37 C.F.R. § 1.137(b)(3).

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐
- deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

- ☐
- with sufficient postage as first class mail.

☒ as "Express Mail Post Office to Addressee"
Mailing Label No. ER850298178US (mandatory)

TRANSMISSION

- ☐
- facsimile transmitted to the Patent and Trademark Office, (703) _____

Signature

Jill Wolfe

(type or print name of person certifying)

Date: 7/1/04

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Petition to Revive Application Abandoned Unintentionally for Failure to Reply to a Final Rejection [11-7]—
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3. Reply

With respect to the outstanding requirements applicant

- ☐ has filed on _____ .
☒ files herewith

(complete the appropriate item below)

- ☐ a Notice of Appeal and appeal fee.
☐ an amendment under 37 C.F.R. § 1.116 that cancels all rejected claims or otherwise prima facie places the application in condition for allowance.
☒ a request for continued examination (RCE) accompanied by a submission and the requisite fee) under 37 C.F.R. § 1.114.

4. Fee (37 C.F.R. § 1.17(m))

Applicant's status is:

- ☐ Small entity — fee \$665.00
☐ A statement is attached.
☐ A statement was filed on _____ .
☒ Other than a small entity — fee \$1,330.00

5. Fee Payment

- ☒ Attached is a ☒ check ☐ money order in the amount of \$ 1,330.00
☐ Authorization is hereby made to charge the amount of \$ _____
☐ to Deposit Account No.
☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should **not** be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment ~~in the manner authorized above~~ to Deposit Account 20-0090.
☐ A duplicate of this paper is attached.

6. Showing

(complete the following, if applicable)

- ☐ Because this petition is more than 3 months after the date the Office first notified the applicant that the application is abandoned, applicant additionally submits a showing as to how the delay between the date the applicant was first notified that the application is abandoned and the filing of this petition under 37 C.F.R. § 1.134(b) was unintentional. 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997); Section 711.03(c), MPEP, 8th Edition, Rev.1).
- ☐ Because this petition is more than 1 year after the date of abandonment of the application, applicant additionally submits further information as to when applicant (or applicant's representative) first became aware of the abandonment of the application, and a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant (or applicant's representative). 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997); Section 711.03(c), MPEP, 8th Edition, Rev.1).

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7. Terminal Disclaimer**NOTE: 37 C.F.R. § 1.137(d):***(d) Terminal disclaimer.*

(1) Any petition to revive pursuant to this section in a design application must be accompanied by a terminal disclaimer and fee as set forth in § 1.321 dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application. Any petition to revive pursuant to this section in either a utility or plant application filed before June 8, 1995, must be accompanied by a terminal disclaimer and fee as set forth in § 1.321 dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the lesser of:

(i) The period of abandonment of the application; or

(ii) The period extending beyond twenty years from the date on which the application for the patent was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed.

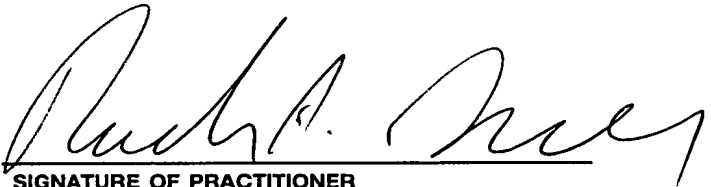
Since this application is a design application a terminal disclaimer and the fee set forth in § 1.321 accompanies this petition.

Date:

(Signature of person making statement that
abandonment was unintentional)

(type or print name of person making statement)

Residence of person making statement

Reg. No. 43,941**Tel. No. (216) 621-2234****Customer No. 26294****SIGNATURE OF PRACTITIONER****Richard A. Sutkus**

(type or print name of practitioner)

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Cleveland, OH 44114**